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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/823,274	04/13/2004	William A. Cox	1121	3484
75	10/18/2005		EXAM	INER
Arthur K. Shaffer			WORRELL JR, LARRY D	
14072 W. 115th Street Olathe, KS 66062			ART UNIT	PAPER NUMBER
•			3765	-
			DATE MAILED: 10/18/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on			
Examiner Danny Worrell 3765		Application No.	Applicant(s)
Danny Worrell 3765		10/823,274	COX, WILLIAM A.
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be availate under the provisions of 37 CFt 1:30(s) in one work however, may a reply be timely filed after SIX (8) MONTH'S from the mailing date of this communication, in one work however, may a reply be timely filed after SIX (8) MONTH'S from the mailing date of this communication. If NO provides the provision of 37 CFt 1:30(s) in one work however, may a reply be timely filed after SIX (8) MONTH'S from the mailing date of this communication. If NO provides the provision of the communication of the communication of the source of the communication of the communication of the communication of the communication. Any provision of the communication of the communication. This action is FINAL. 2b This action is final. 2c This action is final. 2c This action is final. 2c This action is final. 2d This action is application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s)	Office Action Summary	Examiner	Art Unit
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2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-12 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-12 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Application Raying(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Partsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/S8/08)	Status		
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Application/Control Number: 10/823,274

Art Unit: 3765

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Barbaccia (5991927).

Barbaccia teaches the device for shaping the visor portion of athletic headwear said visor having a lateral width and a longitudinal width, comprising: a unitary shaped body (20) comprised of a rigid material composition having a front surface, a back surface, and a depth, the front surface separated from the back surface by said depth; a stabilizing support member (26, 27); and a channel bisecting said unitary shaped body into an upper arcuate portion and a lower arcuate portion, said channel having an upper edge, a lower edge, an opening width, an arch and a length such that said opening width separates the upper edge from said lower edge such that said upper edge is adjacent to said upper arcuate portion and said lower edge is adjacent to said lower arcuate portion for the length of said arch. Note that the opening width is greater than the width of the visor and the perimeter length is greater than the length of said visor. Re claim 5, the device is capable of displaying graphical images along the circumference of said top and bottom region.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbaccia. Barbaccia teaches the invention as claimed as indicated in above in the rejection to claim 1. While Barbaccia does teach a graphical image it is not set forth as being in the claimed locations. It would have been obvious at the time the invention was made to provide the graphical images in any location along the shaping device in order to maximize the aesthetic appeal of the visor shaping device. Concerning claims 11 and 12, and the methods for storing plural headwear and transporting headwear, it would have been obvious to provide multiple shaping devices and stacking them in order to shape multiple hats and place them in a confined space. Additionally it would have been obvious at the time the invention was made to transport a hat with a shaping device in a bag in order to maintain the shape of the hat visor during transportation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Worrell whose telephone number is 571/272-4997. The examiner can normally be reached on MON, WED-FRI.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571/272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner Art Unit 3765

LDW